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10 *Attorneys for Defendants,*  
11 *Bank of America, N.A., successor by merger*  
12 *to BAC Home Loan Servicing, LP, and*  
13 *Mortgage Electronic Registration Systems, Inc.*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

HERB W. DAY,  
Plaintiff,

v.

BANK OF AMERICA, N.A., BAC HOME  
LOANS SERVICING, LP; MTC FINANCIAL,  
INC., and MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,

Defendants.

Case No.: 2:11-cv-02030-GMN-GWF

**ORDER EXPUNGING LIS PENDENS**

On June 13, 2012, this Court issued an Order [Dk. 28] granting Plaintiff's Notice of Voluntary Dismissal with Prejudice [Dkt. 10] of his action against Defendants Bank of America, N.A., successor by merger to BAC Home Loan Servicing, LP, and Mortgage Electronic Registration Systems, Inc. (collectively, **Defendants**).

Defendants request that the lis pendens Plaintiff Herb Day (**Plaintiff**) recorded against the subject property be canceled, released, and expunged.

///

The Court finds that Plaintiff recorded a Notice of Lis Pendens (**Lis Pendens**) on or about December 19, 2011, as Document Number 201112190001478 in real property records maintained by the Clark County Recorder. A copy of the Lis Pendens is attached hereto as **Exhibit A** and fully incorporated by reference.

The Court hereby grants Defendants their requested relief and rules as follows:

1. It is ordered, adjudged, and decreed that the above-referenced Lis Pendens is hereby canceled, released, and expunged.

2. It is further ordered, adjudged, and decreed that this Order canceling the above-referenced Lis Pendens has the same effect as an expungement of the original Lis Pendens.

3. It is further ordered, adjudged, and decreed that Defendants record a properly certified copy of this Order in the real property records of Clark County, Nevada within a reasonable amount of time from the date of this Order's issue.

**APPROVED:**

VED:  


UNITED STATES DISTRICT JUDGE

Dated: July 10, 2012

Submitted by:

AKERMAN SENTERFITT LLP

/s/ Steven G. Shevorski

ARIEL E. STERN, ESO.

Nevada Bar No. 8276

STEVEN G. SHEVORSKI, ESO.

Nevada Bar No. 8256

1160 Town Center Drive, Suite 330

Las Vegas, Nevada 89144

*Attorneys for Defendant Bank of America,  
N.A. as successor by merger to BAC Home  
Loans Servicing, LP, formerly known as  
Countrywide Home Loans Servicing LP*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on the 11th day of July, 2012 and pursuant to Fed. R. Civ. P. 5, I served via CM/ECF and/or deposited for mailing in the U.S. Mail a true and correct copy of the foregoing [Proposed] ORDER EXPUNGING LIS PENDENS, postage prepaid and addressed to:

Mr. Herb W. Day  
8418 Tevere Valley Street  
Las Vegas, NV 89131-5929

*Plaintiff Pro Se*

/s/ Debbie Julien  
An employee of AKERMAN SENTERFITT LLP

AKERMAN SENTERFITT LLP

1160 TOWN CENTER DRIVE, SUITE 330  
LAS VEGAS, NEVADA 89144  
TEL: (702) 634-5000 FAX: (702) 380-8672

**EXHIBIT A**

**EXHIBIT A**

Inst #: 201112190001478

Fee: \$19.00

N/C Fee: \$0.00

12/19/2011 10:13:28 AM

Receipt #: 1011163

Requestor:

HERB DAY

Recorded By: GILKS Pge: 3

DEBBIE CONWAY

CLARK COUNTY RECORDER

(3)

**RECORDING COVER PAGE**

Must be typed or printed clearly in black ink only.

APN# 125-11-610-011

11 digit Assessor's Parcel Number may be obtained at:  
<http://redrock.co.clark.ny.us/assrealprop/ownr.aspx>

**TITLE OF DOCUMENT (DO NOT Abbreviate)**

NOTICE of LIS PENDENS

Title of the Document on cover page must be EXACTLY as it appears on the first page of the document to be recorded.

Recording requested by:

HERB W DAY

Return to:

Name HERB W DAY

Address 8418 TEVERE VALLEY ST

City/State/Zip LV NV 89131

This page provides additional information required by NRS 111.312 Sections 1-2.

An additional recording fee of \$1.00 will apply.

To print this document properly—do not use page scaling.

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FILED RECEIVED  
ENTERED SERVED ON  
CLERK'S OFFICE OF RECORD

1 HERB W. DAY  
2 8418 TEVERE VALLEY ST.  
3 LAS VEGAS, NV, 89131-5929  
4 Phone: (702) 370-1741  
5 HerbWDay@hotmail.com  
6 Plaintiff Pro Se

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
LLOYD D. GEORGE U.S. COURTHOUSE

2:11-cv-02030-LRH -GWF

APN # 125-11-610-011

Herb W. Day - Plaintiff Pro Se

8418 Tevere Valley Street, Las Vegas, NV 89131-5929  
TEL: (702) 370-1741 Email: HerbWDay@hotmail.com

12 HERB W. DAY  
13 Plaintiff  
14 vs.  
15 BANK OF AMERICA N.A.; BAC HOME  
16 LOANS SERVICING, LP; MTC  
17 FINANCIAL, INC. dba TRUSTEE  
18 CORPS; MORTGAGE ELECTRONIC  
19 REGISTRATION SYSTEMS, INC. and  
DOES 1-100,  
Defendants.

NOTICE OF LIS PENDENS

23 PLEASE TAKE NOTICE that an action has been commenced and is now pending in  
24 the above-entitled court under the docket number set forth above by Plaintiff Herb W.  
25 Day, suing defendants BANK OF AMERICA N.A.; BAC HOME LOANS SERVICING,  
26 LP; MTC FINANCIAL, INC. dba TRUSTEE CORPS; MORTGAGE ELECTRONIC  
27 REGISTRATION SYSTEMS, INC. and DOES 1-100 for money damages and quiet title  
28 and states:

- 1     1. As Plaintiff Herb W. Day has commenced an action against Defendants in Clark  
2         County.  
3  
4     2. The Defendants are BANK OF AMERICA N.A.; BAC HOME LOANS  
5         SERVICING, LP; MTC FINANCIAL, INC. dba TRUSTEE CORPS; MORTGAGE  
6         ELECTRONIC REGISTRATION SYSTEMS, INC. and DOES 1-100.  
7  
8     3. The object of the action is: Fraud Count 1; Fraud Count 2; Wrongful Foreclosure;  
9         RESPA Violations; Fraudulent Assignment; Violations of NRS 107.086; Quiet  
10         Title and Declaratory Judgment.  
11  
12     4. The description of the real property to be affected is: Commonly known as 8418  
13         Tevere Valley Street, Las Vegas NV 89131-5929 APN #125-11-610-011.

15         Dated this 19th day of December, 2011.



19         HERB W. DAY  
20         8418 TEVERE VALLEY ST.  
21         LAS VEGAS, NV, 89131-5929  
22         Phone: (702) 370-1741  
23         HerbWDay@hotmail.com  
24         Plaintiff Pro Se